



# STATE OF INDIANA

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February 17, 2015

Mr. Robert E. Woods  
New Castle Correctional Facility  
1000 Van Nuys Rd.  
New Castle, IN 47362

*Re: Formal Complaint 15-FC-22; Alleged Violation of the Access to Public Records Act by the Indiana Department of Correction*

Dear Mr. Woods,

This advisory opinion is in response to your formal complaint alleging the Indiana Department of Correction ("DOC") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The DOC has not responded to your complaint despite an invitation to do so on January 26, 2015. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on January 23, 2015.

## BACKGROUND

Your complaint dated January 15, 2015 alleges the Indiana Department of Correction violated the Access to Public Records Act by not acknowledging your public records request.

On or about December 30, 2014, you submitted a public records request to the DOC. As of the date of the filing of your complaint, you had not received a response. This Office has not received a response from the DOC.

## ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." See Ind. Code § 5-14-3-1. The Indiana Department of Correction is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the

right to inspect and copy the DOC's public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14- 3-3(a).

A request for records may be oral or written. See Ind. Code § 5-14-3-3(a); § 5-14-3-9(c). If the request is delivered in person and the agency does not respond within 24 hours, the request is deemed denied. See Ind. Code § 5-14-3-9(a). If the request is delivered by mail or facsimile and the agency does not respond to the request within seven (7) days of receipt, the request is deemed denied. See Ind. Code § 5-14-3-9(b). A response from the public agency could be an acknowledgement the request has been received and information regarding how or when the agency intends to comply.

Given the challenging logistics of Department of Correction mail protocol, I cannot definitively state whether the DOC received your request. If they did, they would have had to comply with the considerations listed above.

### **CONCLUSION**

For the foregoing reasons, it is the Opinion of the Indiana Public Access Counselor the Indiana Department of Correction has violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to be 'LHB', written in a cursive style.

Luke H. Britt  
Public Access Counselor